

**ENTERED**

August 25, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

FERNANDO TOVAR-ESPINOSA,  
Petitioner,

V.

UNITED STATES OF AMERICA,  
Respondent.

Civil Action No. 1:16-cv-117  
(Criminal No. 1:13-cr-457-1)

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the Magistrate Judge's Report and Recommendation is **ADOPTED**. It is therefore **ORDERED**, **ADJUDGED**, and **DECREEED** that Tovar-Espinosa's § 2255 Motion (Dkt. No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue.

Signed on this 25<sup>th</sup> day of August, 2016

  
Rolando Olvera  
United States District Judge